

JOANNA L. BROOKS, Bar No. 182986
jbrooks@littler.com
MICHAEL W. NELSON, Bar No. 287213
mwnelson@littler.com
LITTLES MENDELSON, P.C.
Treat Towers
1255 Treat Boulevard, Suite 600
Walnut Creek, California 94597
Telephone: 925.932.2468
Facsimile: 925.946.9809

Attorneys for Defendant
NSMG SHARED SERVICES, LLC
(Sued herein erroneously as Northstar Memorial
Group; Northstar Memorial Group d/b/a Chapel of
the Chimes; Chapel of the Chimes; and NSMG
Shared Services, LLC d/b/a Northstar Memorial
Group Shared Services LLC)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

WILLIAM USCHOLD and TYRONE
DANGERFIELD, each individually and on
behalf of others similarly situated,

Plaintiffs,

V.

NORTHSTAR MEMORIAL GROUP, et al.,

Defendants.

Case No.

**DECLARATION OF BRIAN DAVIS IN
SUPPORT OF DEFENDANT'S NOTICE
TO FEDERAL COURT OF REMOVAL OF
CIVIL ACTION FROM STATE COURT
PURSUANT TO §§ 1332, 1441, 1446**

[28 U.S.C. §§ 1332, 1441, & 1446]

Trial Date: None set

Complaint filed: January 17, 2018

DECLARATION OF BRIAN DAVIS

I, Brian Davis, hereby declare as follows:

1. I have personal knowledge of the facts set forth in this declaration, or I have knowledge of such facts based on my review and knowledge of the business records and files of Defendant NSMG Shared Services, LLC, and I could testify to the same if called as a witness in this matter. I make this Declaration in support of Defendant NSMG Shared Services, LLC's Notice of Removal of Civil Action Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446.

2. I am currently the Chief Accounting and Administration Officer for NSMG Shared Services, LLC. In that position, I am responsible for high level financial, accounting, and administrative functions for the Company. As a result, I am readily familiar with NSMG Shared Services, LLC's day-to-day business operations and have access to information and reports maintained and generated in the ordinary course of business concerning NSMG Shared Services, LLC's employees and operations.

3. NSMG Shared Services, LLC was at the time of filing this action, and still is, a limited liability company organized under the laws of the State of Delaware.

4. NSMG Shared Services, LLC maintains its headquarters at 1900 St. James Place, Suite 300, Houston, Texas, 77056. The operations management, human resources, finance, information technology, distribution operations, legal, and sales and marketing functions for NSMG Shared Services, LLC are managed from the Houston, Texas headquarters.

5. Most of the company-wide decisions relating to NSMG Shared Services, LLC, are made from Houston, Texas. The types of company decisions made by NSMG Shared Services, LLC, in Houston, Texas include: decisions regarding company policy; decisions regarding the purchase, financing and leasing of real properties; legal decisions; significant decisions regarding contracts and other purchasing; decisions regarding NSMG Shared Services, LLC's press releases and public affairs; decisions regarding banking relationships and cash management accounts; decisions regarding payroll; decisions regarding revenue management; decisions regarding safety and security policy-making; and policy decisions regarding advertising and marketing.

6. I have reviewed Plaintiffs William Uschold and Tyrone Dangerfield's ("Plaintiffs")

1 personnel records that are maintained in the ordinary course of NSMG Shared Services, LLC's
 2 business. These records were regularly created as part of NSMG Shared Services, LLC's practices
 3 and maintained in the ordinary course of business. I have referenced such business records and
 4 information, which are relied upon by NSMG Shared Services, LLC in conducting business, and
 5 have found them to be trustworthy.

6 7. NSMG Shared Services, LLC's records indicate that Plaintiffs and the putative class
 8 members that they seek to represent with similar job titles were employed by NSMG Shared
 9 Services, LLC in California, and are currently residents of California, and were residents of
 10 California throughout their employment with NSMG Shared Services, LLC. Our records show
 11 NSMG Shared Services, LLC employed at least 107 current and former employees who held the
 12 same job titles as the Plaintiffs who resided in the State of California between January 18, 2013 and
 the present.

13 8. There is no legal entity named Northstar Memorial Group, and this is not an existing
 14 entity under the laws of any state.

15 9. There is no legal entity named Northstar Memorial Group d/b/a Chapel of the
 16 Chimes, and this is not an existing entity under the laws of any state.

17 10. There is no legal entity named Chapel of the Chimes, and this is not an existing entity
 18 under the laws of any state.

19 11. NSMG Shared Services LLC is not registered as doing business under the fictitious
 20 name "Northstar Memorial Group Shared Services, LLC."

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

(No.)

Firmwide:152676491.1 082187.1013

1 I declare under penalty of perjury under the laws of the United States and
2 the State of California that the foregoing is true and correct.

3 Executed this 14th day of February, 2018 in Houston, Texas.

4
5 BRIAN DAVIS
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28